

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

HERBERT and DORIS STEELE, ERIC R. CHAVEZ, ALEXANDRA DIAZ and SONIA TORRES, on behalf of themselves and all others similarly situated,

Plaintiffs,

V.

GE MONEY BANK, a federal savings bank; WMC MORTGAGE CORPORATION and WMC MORTGAGE, LLC,

Defendants.

Case No. 08-cv-01880

Judge Blanche M. Manning

**Magistrate Judge Martin C.
Ashman**

MOTION FOR LEAVE TO FILE A BRIEF IN
EXCESS OF FIFTEEN PAGES

Plaintiffs Herbert and Doris Steele, Eric Chavez, Alexandra Diaz and Sonia Torres respectfully request pursuant to LR 7.1 an order granting leave to file a brief in excess of the fifteen page limit.

On July 7, 2008, the Court entered an order allowing Defendants to file an oversized consolidated brief of 35 pages and ordered Plaintiffs to file a consolidated response to the Defendants' anticipated motions to dismiss.

On July 11, 2008, WMC Mortgage Corporation filed a 33 page Motion to Dismiss for Failure to State a Claim, or in the Alternative, to Join Necessary Parties and to Strike Certain allegations in the Amended Complaint. WMC's Motion to Dismiss challenges the sufficiency of the allegations on which Plaintiffs' FHA and ECOA disparate impact claims are based. WMC's Motion also raises other issues, including arguments that allegedly necessary parties be brought into the lawsuit as defendants under Fed. R. Civ. P. 19(a), a request to strike Plaintiffs' fraudulent concealment allegations and a request to strike Plaintiffs' request for equitable monetary relief.

On July 11, 2008, GE Money Bank filed a 13 page Motion to Dismiss for Failure to State A Claim Pursuant to Rule 12(b)(6), or, in the Alternative, to Strike Certain Allegations Pursuant to Rule 12(f). GE Money Bank's Motion incorporates the arguments in WMC's Motion, but also raises separate additional issues, including standing arguments, and a request to strike Plaintiffs' class action allegations.

Given the number and complexity of the issues raised in WMC's and GE Money Bank's motions to dismiss -- which collectively are 46 pages in length -- Plaintiffs cannot adequately respond in a consolidated response of 15 pages. Accordingly, Plaintiffs request leave to file a

consolidated response to WMC's and GE Money Bank's motions to dismiss containing up to 45 pages.

On August 22, 2008 Plaintiffs' counsel conferred with James Thompson and Kristen Werries Collier, attorneys for WMC Mortgage and GE Money Bank to seek Defendants' agreement to Plaintiffs' request to file an oversized brief. Plaintiffs' counsel will promptly inform the Court when we receive Defendants' response.

WHEREFORE, Plaintiffs respectfully request the Court enter an ordering granting Plaintiffs permission to file a brief in excess of fifteen pages.

Dated: August 22, 2008

Respectfully submitted,

/s Andrew S. Friedman

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CERTIFICATE OF SERVICE

I, Andrew S. Friedman, hereby certify that a true copy of the foregoing document filed through the ECF system will be electronically sent to the registered participants as identified on the Notice of Electronic Filing, and paper copies will be sent to those indicated as non-registered participants on August 22, 2008.

/s Andrew S. Friedman
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